

Message Text

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R 252115Z JUN 74
FM SECSTATE WASHDC
TO AMEMBASSY BRIDGETOWN
INFO AMEMBASSY CARACAS

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E.O. 11652: N/A
TAGS: ASEC
SUBJECT: MARINE SECURITY GUARD STATUS

CARACAS FOR RSO

REFERENCE: BRIDGETOWN 0970 AND 1038

1. MARINE SECURITY GUARDS ARE ASSIGNED TO THE EMBASSY STRICTLY FOR INTERNAL SECURITY DUTIES WITHIN THE DIPLOMATIC PREMISES. ONLY IN A CASE OF EMERGENCY AND THEN WITH LOCAL GOVERNMENT WRITTEN CONCURRENCE WOULD THEY BE EMPLOYED OUTSIDE THE PREMISES IN ANY OFFICIAL DUTIES INVOLVING UNIFORMS OR WEAPONS.

2. UNDER THE TERMS OF THE VIENNA CONVENTION, THE MARINE AT ALL EMBASSIES ARE CLASSIFIED AS TECHNICAL-AND ADMINISTRATIVE MEMBERS OF THE EMBASSY STAFF, BECAUSE THEY ARE ASSIGNED TO THE EMBASSY CONTROL AND WORK FOR THE EMBASSY AS DO ALL OTHER MEMBERS OF THE EMBASSY STAFF. IN THIS REGARD, THEY ARE ENTITLED TO CLAIM IMMUNITY FROM CRIMINAL LIABILITY IN CASES WHERE THEY MAY BECOME SUBJECT TO CRIMINAL JURISDICTION FOR ACTIONS OUTSIDE THE EMBASSY PREMISES.

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NAL JURISDICTION FOR ACTIONS OUTSIDE THE EMBASSY PREMISES.

3. WE CANNOT ALLOW THESE MEMBERS OF THE EMBASSY STAFF TO BE SUBJECT TO THE LOCAL GOVERNMENT CRIMINAL PROSECUTION BY THE VERY NATURE OF THEIR JUSTIFIED AND

ACTUAL FUNCTION AND EMPLOYMENT AS BONAFIED MEMBERS OF THE EMBASSY STAFF. THESE MARINE SECURITY GUARDS ARE SUBJECT TO THE UNIFORM CODE OF MILITARY JUSTICE OF THE UNITED STATES ARMED FORCES FOR ANY ILLEGAL OR CRIMINAL ACT AND WILL BE APPROPRIATELY DISCIPLINED AND REMOVED FROM DUTY SHOULD THEY BE GUILTY OF ANY MISCONDUCT UNDER THE UCMJ.

4. FINALLY, NOTHING IN THE CHARTER FOR ASSIGNMENT OF MARINE SECURITY GUARDS AUTHORIZES THEM TO PERFORM ANY MILITARY DUTIES OR GRANTS THEM ANY AUTHORITY EXCEPT AS MAY BE DESIGNATED BY THE U.S. AMBASSADOR WITHIN U.S. EMBASSY PREMISES. THEY ARE INTERNAL GUARDS OF OUR DIPLOMATIC PREMISES. THEREFORE, WE MUST INSIST THAT THE LOCAL GOVERNMENT BE GIVEN A CLEAR UNDERSTANDING OF THESE PRINCIPLES ACCEPTED AT 115 DIPLOMATIC AND CONSULAR POSTS THROUGHOUT THE WORLD AND THAT STAFF IMMUNITIES AS AUTHORIZED UNDER THE VIENNA CONVENTION BE GRANTED FOR THESE MARINE GUARDS. SISCO

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